

AMENDED IN SENATE JUNE 4, 2003  
AMENDED IN SENATE MAY 13, 2003  
AMENDED IN SENATE MARCH 24, 2003

**SENATE BILL**

**No. 929**

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**Introduced by Senator Speier**

February 21, 2003

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An act to amend Sections 12303.2, 12303.3, and 12303.6 of, and to add Section 12313 to, the Penal Code, relating to explosives.

LEGISLATIVE COUNSEL'S DIGEST

SB 929, as amended, Speier. Explosives.

Existing law provides that every person who recklessly or maliciously has in his or her possession any destructive device or any explosive in specified public areas is guilty of a felony, and shall be punishable by imprisonment in the state prison for a period of 2, 4, or 6 years. Existing law provides that every person who possesses, explodes, ignites, or attempts to explode or ignite any destructive device or any explosive with intent to injure, intimidate, or terrify any person, or with intent to wrongfully injure or destroy any property, is guilty of a felony, and shall be punished by imprisonment in the state prison for a period of 3, 5, or 7 years. Existing law also provides that any person, firm, or corporation who, within this state, sells, offers for sale, or knowingly transports any destructive device, other than fixed ammunition of a caliber greater than .60 caliber, except as provided, is guilty of a felony and is punishable by imprisonment in the state prison for 2, 3, or 4 years.

This bill would revise those provisions by specifying the prohibited conduct applies to “a” destructive device or “an” explosive, for purposes of committing the relevant offenses.

This bill would also provide that in weighing aggravating and mitigating factors for purposes of sentencing, the court would be required to consider the destructive or explosive power of a device involved in the relevant offense, as specified.

~~The bill would declare that the amendments are declaratory of existing law.~~

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 12303.2 of the Penal Code is amended  
2 to read:

3 12303.2. Every person who recklessly or maliciously has in  
4 his or her possession a destructive device or an explosive on a  
5 public street or highway, in or near any theater, hall, school,  
6 college, church, hotel, other public building, or private habitation,  
7 in, on, or near any aircraft, railway passenger train, car, cable road  
8 or cable car, vessel engaged in carrying passengers for hire, or  
9 other public place ordinarily passed by human beings is guilty of  
10 a felony, and shall be punishable by imprisonment in the state  
11 prison for a period of two, four, or six years.

12 SEC. 2. Section 12303.3 of the Penal Code is amended to  
13 read:

14 12303.3. Every person who possesses, explodes, ignites, or  
15 attempts to explode or ignite a destructive device or an explosive  
16 with intent to injure, intimidate, or terrify any person, or with  
17 intent to wrongfully injure or destroy any property, is guilty of a  
18 felony, and shall be punished by imprisonment in the state prison  
19 for a period of three, five, or seven years.

20 SEC. 3. Section 12303.6 of the Penal Code is amended to  
21 read:

22 12303.6. Any person, firm, or corporation who, within this  
23 state, sells, offers for sale, or knowingly transports a destructive  
24 device, other than fixed ammunition of a caliber greater than .60  
25 caliber, except as provided by this chapter, is guilty of a felony and



1 is punishable by imprisonment in the state prison for two, three or  
2 four years.

3 SEC. 4. Section 12313 is added to the Penal Code, to read:

4 12313. In weighing aggravating and mitigating factors and in  
5 determining whether to impose concurrent or consecutive  
6 sentences for a conviction or convictions under this chapter, the  
7 court shall consider the destructive or explosive power of a device  
8 or devices involved in the underlying offense or offenses.

9 ~~SEC. 5. The amendments made by Sections 1, 2, and 3 of this~~  
10 ~~act are declaratory of existing law.~~

